

REMARKS/ARGUMENTS

In response to the Final Office Action mailed May 31, 2007, Applicant proposes to amend his application and requests reconsideration in view of the amendments and the following remarks. In this Amendment, Claim 1 is proposed to be amended, no claims are cancelled without prejudice and no claims have been added or cancelled, so that Claims 1-3 and 5-8 are pending. No new matter has been introduced.

Claims 1-3 and 5-8 were rejected as being anticipated by U.S. Patent No. 6,878,161 to Lenker (Lenker). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Lenker discloses a stent graft and a deployment device. The stent graft comprises a support structure and a tubular graft. More particularly, the stent graft comprises a tubular graft supported by annular support members. The annular support members are preferably spring members having a predetermined radii and are preferably constructed of a material such as Nitinol. The tubular graft may be made from a biocompatible, low porosity woven fabric that is thin walled. Once such material is silk.

In making the rejection, the Examiner states that the graft material comprises a plurality of crimps (523) disposed between the plurality of stent segment. Applicant respectfully submits that this is incorrect. Referring to column 9, line 60, one realizes that external bands are added to the graft and stent structure and not part of the graft itself.

“Referring now to FIGS. 6A-6B, another embodiment according to the invention is illustrated. According to this embodiment, the prosthesis 510 comprises a tubular graft 515 and annula support structures 512 attached to the tubular graft 515. The prosthesis 510 may be a single lumen stent or a bifurcated stent. The annula support structures 512 are constrained by bands of material or expansile members 523 placed around each of the annula support members 512. The expansile members 523 comprise bands of a material such as a partially oriented yarn, ePTFE (expandable polytetrafluoroethylene), Teflon, or other low yield material, i.e., having a low yield point beyond which the material permanently plastically deforms. When compressed, the prosthesis 510 has a first radius R_1 (Fig 6A). The prosthesis 510 is loaded on a balloon catheter and placed at the deployment site, the balloon catheter is inflated to provide a radial force that expands the expansile members 523. The prosthesis 510 is expanded to have a second radius R_2 larger than the first radius R_1 (FIG. 6B). One material may be selected to have viscoelastic behavior that constrains the annular members at one temperature, e.g. at about room temperature, and deforms elastically at another temperature, e.g. at about body temperature. Suitable materials for the expansile members or bands of material 523 may include woven fibers and yarns, thermal plastics, natural materials such as cotton or silk, polyester, nylon, olefin, polypropylene, polyethylene, bioabsorbable plastics, Teflon PTFE, ePTFE, FEP, or other fluoropolymers. An alternative to expansile members may be members or coating formed of a sealing gel, hydrogel or the like, that may be released upon radial expansion and/or by dissolving or absorption by the body. Examples of such materials may include, for example, surgical sealants or adhesives used to close wounds, fibrin glue, collagen based materials or other bio-absorbable materials.”

The invention of independent claim 1 comprises a graft material, formed from spider silk, having preformed crimped sections arranged circumferentially between the one or more scaffold strictures and are configured to increase the flexibility of the endovascular graft. Clearly, this is not the function of the bands of Lenker. Since Lenker fails to disclose or even suggest this unique combination, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Serial No. 10/686,833

Applicant would be willing to interview the present case with the Examiner.
Accordingly, the Examiner is invited to call the undersigned at 732-524-2518 if such a call would facilitate the prosecution of this application.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

By: _____

Carl J. Evens
Reg. No. 33,874

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2518
Dated: July 25, 2007